

REMARKS

Applicants thanks the Examiner for taking the time to discuss the finality of the Office Action. Applicants respectfully requested the withdrawal of the finality of the previous Office Action, because the new grounds of rejection was necessitated by the antedating of one of the prior art references. The Examiner, in his voicemail of January 19, 2011, indicated that the finality of the Office Action is withdrawn.

In the last Office Action, the Examiner rejected claims 1, 5, 7, 11, 13, and 16 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,806,906 to Soga et al. ("*Soga*") in view of U.S. Reissued Patent No. RE38,079 to Washino et al. ("*Washino*"); rejected claims 2, 3, 8, 9, 14, and 15 under 35 U.S.C. 103(a) as being unpatentable over *Soga* in view of *Washino* as applied to claim 1 above, and further in view of U.S. Application Publication No. 2004/0257458 to Huang et al. ("*Huang*"); and rejected claims 6, 12, and 17 under 35 U.S.C. 103(b) as being unpatentable over *Soga* in view of *Washino* as applied to claim 1 above, and further in view of U.S. Patent No. 6,188,432 to Ejima ("*Ejima*").

Applicant proposes to amend claims 1-3, 5-9, 13, 16, and 17. Claims 1-3, 5-9, and 11-17 remain pending.

Applicants respectfully traverse the rejections of the claims under 35 U.S.C. §§ 103(a). There are significant differences between the cited art, whether taken alone or in combination, and the claimed invention. Accordingly, the cited art also fails to render the claims obvious.

For example, independent claim 1 recites a combination of elements including "a control unit for controlling the output of the video signal by the output terminal units, the

controlling comprising: determining a format of the different formats [including a first output format and a second output format] used by one of the output terminal units; and controlling the generation unit and the synthesis unit, based on (i) the instruction input accepted through the acceptance unit and (ii) the determined format of the different formats [of the output terminal units], to synthesize one or more of the capture control marks [including a first capture assist mark corresponding to the first output format and a second capture assist mark corresponding to the second output format] for the one of the output terminal units.” The cited art, even if combined, fails to disclose or suggest at least the claimed control unit.

The Examiner concedes that *Soga* “does not expressively [sic] disclose a plurality of output terminal unit[s] which use different formats to output video signals output from the imaging means.” Office Action at 6. Similarly, *Soga* fails to disclose or suggest the claimed control unit. In addition to the Examiner’s concessions, *Soga* also fails to disclose or suggest that the capture assist marks include “a first capture assist mark corresponding to the first output format and a second capture assist mark corresponding to the second output format,” as recited in claim 1.

Washino does not cure the deficiencies of *Soga*. Rather, *Washino* discloses a system that may translate a program input into a variety of graphics or television formats. That is, *Washino* also fails to disclose or suggest the aforementioned elements of claim 1.

Huang and *Ejima* also fail to cure the deficiencies of *Soga* and *Washino*. Accordingly, there are significant differences between the cited art and the claimed invention. The cited art, therefore, fails to render the claimed invention obvious.

Independent claims 7 and 13, while different in scope, distinguish over the cited art for at least similar reasons. Claims 2, 3, 5, 6, 8, 9, 11, 12, and 14-17 depend from one of the independent claims. Accordingly, the rejections should be withdrawn.

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the Examiner's reconsideration and reexamination of the application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 24, 2011

By: 

David W. Hill
Reg. No. 28,220
(202) 408-4000

Philip J. Hoffmann
Registration No. 46,340